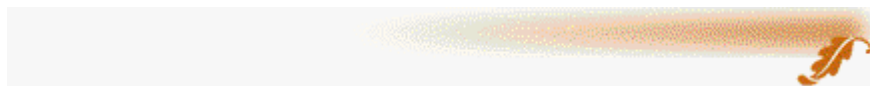


## **Family Child Care: What's in a Name?**

*by*  
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Since its founding in 1888 by Lucy Wheelock, a pioneer in the United States kindergarten movement, Wheelock College has dedicated all of its resources to training professionals to serve its mission: improving the lives of children and families. The College, acknowledged locally, nationally, and internationally for its excellence and leadership, prepares students at the undergraduate and graduate levels in three professional fields: teaching, social work, and child life (working with children in hospitals).

At the time of its founding, Wheelock was unique for its early commitment to the progressive "new education," as the kindergarten movement was known. Over the years, the College has continued to take a leadership role, developing innovative programs in response to the changing needs of society; broadening the scope of its original educational mission to include service to children's social and health needs; and instituting programs for working with the families of children and youth in their own communities in order to better understand and serve their needs.

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The mission of Wheelock College Institute for Leadership and Career Initiatives is to create equitable, accessible, exemplary career development systems for early childhood professionals. Its goal is to develop a diverse, nationwide cadre of highly effective leaders in the field of early care and education. Wheelock College Institute for Leadership and Career Initiatives is the new name for an existing early childhood career development national policy initiative, formerly called the Center for Career Development in Early Care and Education. The new name reflects the Institute's full integration into the academic and administrative structures of the College and its continued focus on career and leadership development in the field.

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## **Issues in Family Child Care Definitions**

Twenty-five years ago, family child care was just coming to the attention of policy-makers and researchers. At that time, there was general agreement that family child care (known then as family day care homes or by other names) was the care of one or more children unrelated to the provider, in the provider's home.

Family child care was viewed as the sharing of a family with other children, for part of a day while the children's own mothers were working or otherwise not available to them. A small family child care home typically cared for six or fewer children, and a larger family child care home, usually called a "group" family child care home, cared for 7-12 children.

Today, much of the field still uses these general parameters when discussing family child care. Terminology has, however, become much more complex. States have developed wildly differing definitions of family child care, and the definitions of licensable family child care cannot be used to define child care. This has complicated the work of researchers who seek to compare family child care across the states and policy-makers who seek to improve quality for children.

In this issue brief, we explore six issues that complicate these simple definitions and concepts:

1. Number of children in care
2. Location where the care takes place
3. Number of hours of care
4. Advertisement as a service and compensation
5. "Small family child care homes" vs. "Large family child care homes"
6. Ages of the children

In the pages that follow, we discuss each of these issues and highlight regulatory terminology that impacts family child care. We also make some recommendations for resolving these issues.

### **1. Number of Children in Care**

Thirteen states license all homes that care for any unrelated child. There are great advantages in starting the definition of family child care at one child. Protecting the health and safety of one child is just as important as protecting more than one child. The risks are not less when only one child is in care. Licensors can implement licensing laws, and all homes can be covered, if they do not have to determine whether a home caring for children is caring for a certain number of children. The fact of caring for children is enough to determine that a home should be licensed. Without this uniform coverage, there will continue to be large numbers of homes that operate illegally because the licensor and the general public cannot determine whether or not a license is required. States that set a higher threshold number to define family child care will have difficulty with coverage by the licensing law, and will continue to have illegal operations that put children at risk. Using this same concept for research purposes will simplify the task of deciding whether a home is or is not family child care. For this reason, the definition we recommend for research purposes does not exclude homes with just one child.

Failure to cover unrelated children from several families, or setting a high threshold number of children, means that states do not want to cover all family child care in their licensing. It appears that decision-makers in the 38 states that do not license all family child care homes believe that small numbers of children in a home are not at sufficient risk to warrant licensing. In these states, homes operate with no regulation when serving the general public and need to be monitored by the funding source only if providing subsidized care.

There is no general agreement among states over whether family child care homes with just a few children should be licensed, but there is no disagreement that they are family child care. Family child care can, therefore, fall into a number of different categories: licensed homes, illegally operating homes, non-licensed homes (often termed “legally exempt from licensing”). These categories are all family child care, and the categories can be studied as variables. Relative care is family child care if the provider takes in other unrelated children. The chart on page three shows the number of children at which the states define family child care as licensable, known as the threshold definition.

A case can be made for considering the care of the children from just one family unrelated to the provider to be something other than family child care. In this situation, the provider may consider herself to be an employee of the parent, rather than a self-employed individual offering a service to the general public. In this case, the parent might be paying social security tax and meeting other obligations as an employer. As an employer, the parent is in control, and has less need of state protection, whether the care takes place in her own home, in the provider’s home, or both. According to tax rules, the provider is a family child care provider when the children are cared for in her home, but it is possible that this rule is not strictly followed by parents and providers who view the care as an employer-employee relationship.

In the end, we have used a definition that would include homes caring for one or more children, as the simpler solution. For researchers who want to exclude those homes where parents assume

### Regulatory Terminology

There is much variation in regulatory terminology used by the states and the federal government. Researchers should use these regulatory terms in an overall sense and, at the same time, understand how each state uses the terms.

**Regulation:** Wheelock College Institute for Leadership and Career Initiatives (the Institute) uses the term “regulation” as a general term that covers all forms of rules that are applied to family child care homes, including: building safety approvals; fire safety approvals; sanitation approvals; licensing; funding requirements; criminal records checks; and child abuse and neglect clearances. Some regulation rests on state police powers, and others rest on contract agreements.

**Licensure** is the state requirement that any family child care home that meets a state definition must have the permission of the state in order to care for children. Licensure uses the police powers of state government to protect the general public.

Characteristics of licensure are:

- All homes that fall within the definition are required to get a license.
- Homes cannot operate without permission from the state.
- Standards are developed and applied.
- Homes must meet the standards in order to continue to operate.
- The state can withdraw its permission if a family child care provider deliberately and frequently fails to meet the standards.

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“States” refers to the 50 states and the District of Columbia

the role of employer, we recommend relying on a self-declaration by the provider and/or parent to determine whether the home is a family child care home or not.

### Threshold of Licensed Family Child Care June 2001

1 Child	2 Children	3 Children	4 Children	5 Children	6 Children	7 Children	13 Children	Not Licensed
Alabama	California*	Georgia	Illinois	Alaska	Arkansas	Iowa	South Dakota	Idaho
Arizona	Colorado*	Hawaii	Kentucky	Missouri	Indiana	Ohio		Louisiana
Connecticut	Florida*	Maine	Nebraska	Nevada	Mississippi			New Jersey
Delaware	South	Montana	New	New Mexico	Virginia			
District of	Carolina*	New York	Hampshire	North Dakota				
Columbia			Oregon*	Tennessee				
Kansas		North	Pennsylvania	Utah				
Maryland		Carolina	Rhode Island					
Massachusetts		Vermont*	West Virginia					
Michigan		Wyoming	Wisconsin					
Minnesota								
Oklahoma								
Texas								
Washington								
13 states	4 states	8 states	9 states	7 states	4 states	2 states	1 state	3 states

\*Note: These states exclude child care that is provided for the children of only one family. Vermont excludes child care that is provided to one or two families.

## 2. Location Where the Care Takes Place

Many, but not all, states define family child care, for licensing purposes, as taking place either in a residential setting or in the home of the provider of care. Their reasons may be that they believe this type of care is the sharing of a home, rather than a center-like or home-like setting. However, not all states require that family child care take place in a residence. Pennsylvania, for example, permits group family child care in public schools, storefronts, or religious institutions. Most states consider that program to be a small center. Vermont permits the applicant for a license to decide whether she wants to be licensed as a center or as a family child care home. Colorado calls it a small center.

Care for a group of about 10-18 children in a storefront, or in a school, may be a growing form of service, one that is likely to be found in rural areas rather than centers. Family child care providers may create such a service in order to free up their own home from the service they offer, and to find more space to devote to the children in care. A question for future resolution is whether such a service is a small center or a large home. At present, various states have defined it quite differently for regulatory purposes.

### Regulatory Terminology

**Registration (state meaning):** A few states have developed a different way to regulate family child care in order to achieve full coverage of the homes they define as eligible to be regulated. This form of regulation is intended to be more administratively feasible, because of the large number of homes and small numbers of children that are protected by each regulatory process. Regulatory expert Norris Class tried to develop a concept for a form of regulation that was not licensing, as described above, which he called "registration." However, the states did not develop a common definition of registration. For example, the frequency of inspection is not related to the difference between licensing and registration, since some states license but do not inspect, while other states register and do inspect. Most states that call their method "registration" do apply standards, and can remove a registration if a provider fails to comply with the standards. In most states, therefore, registration is a form of licensure.

### 3. Number of Hours of Care

Can family child care be either part-time or full-time? At what number of hours should states license part-time family child care? Some states license only full-time centers, leaving part-day preschools and nursery schools unlicensed or regulated by the state Department of Education. Most states would not license family child care unless it occurred regularly and for a significant number of hours. For example, care every Monday evening for a parent's night out would not qualify as family child care under any state's licensing definition. To be licensed as family child care, the care must be regularly provided for a defined period of time. To meet a research definition for family child care, we believe that the number of hours of care per week should be specified, and we suggest that number be at least 12.

Another issue for the specification of hours in the definition is whether states should restrict the hours of family child care providers as part of their regulatory policies. For many years, most states have been concerned that family child care would become foster care as parents leave their children for longer and longer times. On the other hand, in today's world, family child care is one form of care that has the flexibility to provide odd-hour care for parents who do not work the traditional 9:00-5:00 work day. During the last decade, family child care providers have used assistants and substitutes to bring flexibility to their service.

For example, family child care providers can take in one child who arrives early in the morning and leaves at 3:00; three children who come at 8:30 and leave at 5:30; and one child who comes at 3:30 and leaves at 9:30. Should states count all these children in the numbers they allow or only the children who are there at the same time? Should states prohibit providers from having the flexibility to take one early morning child and one late evening child? Should states prohibit family child care providers from having their service available beyond a specific

#### Regulatory Terminology

**Registration (federal meaning):** As part of a federal effort to protect parent choice at any cost, states were permitted to use federal welfare-related funds in homes that were required to "register." But, this definition of "registration" meant that no standards could be applied, and no action could be taken by the state to interfere with a provider of care that a parent had chosen. In the Child Care and Development Block Grant, Congress mandated that the states apply "health and safety" standards, which may include child abuse and neglect clearances and criminal background checks, but not other standards. (Congress intended minimal government intervention, but it is worth noting that the American Academy of Pediatrics and the American Public Health Association developed a set of roughly 900 recommended health and safety standards.)

This federal definition of the term "registration," related to funding rather than licensing, creates vast confusion by using the same term that some states are using to describe their method of licensure. To avoid this confusion, we recommend the use of the term "licensed" even in states that call their regulatory method "registration," unless the state is using the federal definition to describe their regulatory method applied to all children.

**Fiscal regulation:** When states subsidize family child care, they can subsidize licensed care. States can also apply additional standards—"purchase specifications"—in order to assure that funds are used in ways that achieve funding goals. With devolution, there is far less federal interference with states' funding policies. When funding is accompanied with additional specifications, over and above licensing rules, the terms used may be "certification standards" (i.e., certified for funding), "performance standards," or "purchase specifications."

Fiscal regulation does not protect all children, only those subsidized by the funding source that is applying the fiscal standards. It uses the power of a contractual agreement to assure that services purchased meet the states' specifications for use of public dollars.

number of hours? Should family child care be able to meet the needs of parents whose jobs require overnight travel, as in the case of airline flight attendants?

Most policy-makers agree that working parents, and particularly those leaving welfare, need to be able to find care that fits their working hours. To respond to families' changing needs, states would be reasonable to remove outdated restrictions on the numbers of hours that a home facility can be available to care for children. In place of these restrictions, states might limit the numbers of children that can be present at the same time, might place an overall restriction on the total numbers of children in a day, and certainly restrict the number of consecutive hours that the same individual can provide care without a break.

#### **4. Advertisement as a Service and Compensation**

Sometimes, states use two other factors in an effort to define what they license. The first factor is whether family child care providers advertise their services. If they advertise in any way, they are holding themselves out to the public as providing services and therefore it is appropriate to license the services. In this issue brief, we are attempting to define family child care, rather than to define the part of it to be licensed, and we did not include advertising as a determining factor in whether a person is providing family child care or some other type of care.

The second factor that states often use in their licensing definitions is whether or not providers offer the service "for compensation." Of course, family child care providers should be compensated for the service they provide. Compensation is usually a factor in family child care, either in the form of money paid by the parents or third party for the professional service, or some form of barter. However, family child care providers could rather easily conceal what they are paid, even though few would do so. For research purposes, providers are still providing family child care, whether or not their incomes can be determined. A simpler definition, without using compensation as a defining factor, is more useful for research purposes as well as for regulation.

#### **Regulatory Terminology**

**Certification:** Today, states use the word "certification" in a number of different ways. Many states use "certification" to mean the process by which they select homes to provide care for subsidized children. Before licensing was applied to family child care, this process was the only regulatory process used for homes. There was no regulation of homes that were not serving subsidized children.

Some states use "certification" as a term that is synonymous with licensing. The variations in how this term is used render it not very valuable for research or policy that involves more than one state. "Licensing" is more useful as a generic term for the protection a state offers to all children in family child care, but any research or policy study will need to clearly explain how terms are used.

Example: In Oregon, the term "license" is not used. Both centers and large family child care homes (group homes) are referred to as "certified." Years ago, Oregon did not license homes unless they included subsidized children. Now the term appears to mean what licensing means elsewhere.

In addition, Oregon has two other categories: Registered Family Child Care Homes, and Listed Caregiver. These terms reflect both the state effort to develop a feasible way of covering small homes with a softer form of licensing, and also the federal concept of "registration" under another name, "listing."

Sorting out how to classify Oregon categories in a way that distinguishes licensing of all homes from funding policy will be a challenge to researchers and policy-makers. The broader term "regulation" can, of course, be applied to all these categories, but does not make the distinction between state purchase policies and the use of police powers of the state to protect all children. If a provider advertises herself as a "licensed" provider in Oregon, she can be accused of false advertising. Her legal defense would have to rest on a generic definition of the term "licensing," and she would be better off describing herself as "regulated by the state of Oregon."

## 5. "Small Family Child Care Homes" vs. "Large Family Child Care Homes"

Far from the simplicity with which these two sub-sets of family child care were viewed a quarter of a century ago, there is now great variety among the states' legal definitions established for the purposes of licensing. Some states license small homes and consider large homes to be centers. Some states do not believe that small homes should be licensed at all and only license larger homes. Some states do not make a distinction between large and small homes, but may have a provider-to-child ratio requirement, or a point system, to assure that younger children get adequate adult attention. The maximum number of children varies dramatically from state to state. For research purposes, it is probably easier to ignore these distinctions and consider both types of home to be simply "family child care," using the variations in staffing required as a variable. But in the public policy arena, it may be necessary to distinguish large from small homes.

Three states do not require a license for family child care: Idaho, Louisiana, and New Jersey. All three have developed a voluntary license or registration system, but unsubsidized homes are not required to participate.

Six states license small family child care homes, but do not have a category of large family child care home: District of Columbia, Maine, Maryland, Vermont, Washington, and Wisconsin.

Seven states license family child care homes with six or more children, but do not license smaller homes: Arkansas, Indiana, Iowa, Mississippi, Ohio, South Dakota, and Virginia.

## 6. Ages of the Children

Typically, family child care homes care for mixed-age groups. A few providers may enroll children all the same age, as most centers and schools do, but most providers offer a more family-like experience for children. This mix of ages is a valuable aspect of this form of care, but over the years some issues have arisen about infant/toddlers, school-age children, and policies that vary in ways that affect the definitions for licensing purposes. The issues in family child care definitions include:

- whether the provider's own children are included in the count of children that determine the definition and the ages of children that would be counted;
- the extent to which the state restricts the number of infants;
- the extent to which providers can serve school-age children for a few hours a day when they are not in school; and
- the increasing specificity on the composition of mixed-age groups.

***Own children:*** Most states' licensing definitions require the provider to include their own children in the total number of children permitted. Some states specify an age, such as "including the provider's own children under the age of six," in which case children older than the specified age would not be counted in the total permitted. Other states do not count the provider's own children in the total, in which case the combined number of unrelated and own children can be very large. If a provider defines *all* the children in her care as "related" a licensor may have a



great deal of difficulty identifying grandchildren, nieces, nephews, grandnieces, grandnephews, or very young siblings of the provider, especially in large extended families. Some states define the degree of relationships that could be used to define whether or not a family child care home is licensable, and researchers may wish to add that type of parameter to the definition.

***School-age children:*** Over the past few decades, states have tended to add “extra” school-age children to the limited numbers permitted in licensed care. The need for school-age care has risen greatly with the increase in numbers of parents who work. If a school-age child comes to a family child care home for a few hours in the afternoon, paying a part-time fee, but “counting” as a whole child in the total number of children permitted to be in care at the same time, providers cannot afford to include them. States have permitted some number of additional children—usually two—in the overall number of children enrolled in licensed care on the condition that it is only during the portion of the year when children are attending school.

***Infants and toddlers:*** States have attempted to protect infants and toddlers in family child care by limiting the numbers that can be included in a licensed home. The restriction reflects a concern for basic safety from fire and health hazards, as well as the need for developmental care. The National Fire Protection Association section on Group Day Care Homes requires a minimum staff-to-client ratio of two staff for up to 12 clients, with no more than three clients incapable of “self preservation” (i.e., two providers at all times and no more than three infants/toddlers, disabled children, or children not able to follow directions to evacuate).

Over the years, states have developed a variety of policies to refine that objective. For example, some states restrict the number of infants to two, but permit a number of other children that includes toddlers without restriction. Some states have changed their restriction to three infants and toddlers, rather than two. Some states permit a larger number of infants if there are no other children in care. Virginia developed a point system, assigning a number of points by age of child, and restricting homes to a maximum number of points. A number of states have developed elaborate requirements for the different combinations of age groups that can be permitted (see the table *Definition of Licensed Family Child Care Homes* in the Appendix and its footnotes as examples).

Another concern related to the issue of infant/toddler care is the varying state definitions of “infant,” “toddler,” and, in some states, “young toddler.” As with ratios, this factor could become a variable to study, rather than a part of the family child care definition.

***Mixed-age group combinations:*** Ratio and group size requirements in family child care were formerly determined by the definition. However, as the states have begun to add more complex requirements for mixed-age groups in family child care, these requirements now resemble the ratio and group size requirements for mixed-age groups in centers. It would be clearer to use the terms “ratio” and “group size” in research studies, and, in the future, in the rules themselves. (See the footnotes concerning Kansas, Nebraska, Oklahoma, Pennsylvania, Texas, and Washington following the table *Definition of Licensed Family Child Care Homes* in the Appendix for examples.)

Delaware and Washington permit family child care providers with greater levels of expertise to take more children. In Delaware, this approach to regulation has led to the identification of levels for credentialing purposes in the state's professional development system.

## **Recommended Solutions to These Definitional Problems**

For research purposes, family child care can be defined broadly to encompass both large and small homes and care that exists regardless of how state licensing statutes define it and whether states license some of it, none of it, or all of it. To do so will enable researchers to remove confusion that currently exists about “informal” unregulated forms of care, and to avoid the illogical research finding that some family child care is “formal” and some is “informal.”

We recommend this definition of **family child care**: *The care of one or more unrelated children on a regular basis for 12 or more hours per week in a residence other than the child's home, provided that the facility does not meet the definition of a center.*

However, it will continue to be important to make a distinction between small and large homes, for certain research or policy purposes. We define a small family child care home based on its setting and the fact that only one provider must be present. By this definition, a “small” home could have a large number of children, and that state would compare unfavorably with another state that limits the children to a smaller number. The ratio of provider to children is a variable determined by states' licensing definitions.

We recommend this definition of a **small family child care home**: *One provider caring for one or more unrelated children in a home other than the child's home.*

We recommend this definition of a **large family child care home**: *Two or more providers caring for one or more unrelated children in a home, other than the child's home, with a provider-to-child ratio determined by the ages of the children who are present.*

Again, the numbers of children, their ages, and the numbers of providers together constitute a variable and states can be compared as to their licensing policies. We recommend a point system or a set of ratio requirements to assure safe care with adequate attention to the different ages. This policy will take care of the needs of infants. At the same time, it will help to clarify the number of school-age children permissible in family child care homes, who would be counted differently depending on whether school is in session. We believe that the provider's own children should be counted in any ratio requirement.

We believe that states should license all family child care homes with one or more children. However, if that is not done, we recommend that states license all homes in which unrelated children from more than one family are enrolled, on the rationale that the provider may consider herself an employee of the parent when she cares for only one child.

For research and policy purposes across the states, we recommend using the term “licensing” rather than “registration,” unless the federal meaning of the word “registration” is intended. However, within a particular state, that term may not be the best solution for maintaining public support of the regulatory system. Oregon and Texas have used the term “listed” to impart the

federal concept of registration, while retaining “registered” for their own regulatory purposes, despite the confusion caused by the two meanings of the word. Since states will make these definitional decisions separately, it is important for research and policy purposes to develop a common set of definitions that can be used for comparing the states.

If researchers do not use the same definitions, their findings will be very different from those of other researchers, and their studies will be less useful to policy. If policy-makers and researchers nationwide are able to agree upon terminology and definitions, variations in state policy in regard to family child care can be compared and studied as variables and research can illuminate policy in a coherent way.

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### **References**

American Public Health Association and American Academy of Pediatrics. (1996). *Caring for our children*. Washington, D.C. APHA. (Note: These standards have been rewritten and are to be published by AAP in 2000.)

National Fire Protection Association, Life Safety Code 101, Chapter 30, paragraph 36-6.1.4.2.

## Definition of Licensed Family Child Care Homes in 2001

State	Small Family Child Care Homes (One Provider)				Large Family Child Care Homes (Two or More Providers)		
	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
<b>Alabama</b>	1-6	6	No	NA	7-12	6:1	No
<b>Alaska*</b>	5-8	8	Yes	3 under 30-mos, or if more than 2 not yet walking	9-12	12:2	Yes
<b>Arizona</b>	1-4 (plus 2 without compensation)	6	No, total not to exceed 6	2 under 2-yrs.	5-10 (unrelated)	5:1	No (total not to exceed 15)
<b>Arkansas</b>	NL	NL	NL	NL	6-16	10:1 if none under 3-yrs; 8:1 if 1 under 2-yrs; 7:1 if 2 under 2-yrs; 6:1 if 3 under 2-yrs	Yes- if preschool aged or younger
<b>California*</b>	2-6 (plus 2 SAC)	8	Yes-if under age 10	See footnote	7-12 + 2 SAC	6:1 with no more than 4 infants	Yes-if under age 10
<b>Colorado</b>	2-6 (plus 2 SAC)	8	Yes-if under age 12	3 under 2-yrs, with no more than 2 under 12-mos (with no additional SAC)	7-12	6:1	NA
<b>Colorado Infant/Toddler Home*</b>	2-4	4	Yes	2 under 12-mos	5-6	6:2 between birth and 3-yrs, with max 3 under 1-yr	Yes
<b>Colorado Experienced Provider Home*</b>	2-12	See chart in footnotes	Yes-if under age 10	See chart in footnotes	NC	NC	NC
<b>Connecticut</b>	1-6 (plus 3 SAC)	9	Yes-if not in school full time	2 under 2-yrs	7-12	4:1 for 6 weeks-3-yrs, max group size is 8; 10:1 for 3-yrs+, max group size is 12	NA
<b>Delaware*</b>	1-4 (plus 2 SAC)	6	Yes-if preschool	3 under 2-yrs with max. 2 under 12-mos.	7-12 plus 2 SAC during school closings	6:1 with max.4 under 2-yrs and with max 2 under 2-yrs.	Yes-if preschool
<b>District of Columbia</b>	1-5	5	Yes-if under age 6	2 under 2-yrs	NC	NC	NC

**Key:** NA = Not Addressed in Regulations    NC = No Category    NL = Not Licensed    SAC = School Age Children    \* = More information in footnotes

Data compiled by Wheelock College Institute for Leadership and Career Initiatives  
from licensing regulations posted on the National Center for Health and Safety in Child Care's web site: [www.nrc.uchsc.edu](http://www.nrc.uchsc.edu).  
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E-mail: [institute@wheelock.edu](mailto:institute@wheelock.edu), WWW: <http://institute.wheelock.edu>

State	Small Family Child Care Homes (One Provider)				Large Family Child Care Homes (Two or More Providers)		
	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
<b>Florida*</b>	2-10	10 if 5 preschool with 2 under 12-mos; 6 preschool if none under 12-mos; 6 with 3 under 12-mos; 4 if all under 12-mos	Yes-if under age 13	4 under 12-mos,	up to 12	8:2 if all children are birth-24-mos; 12:2 if no more than 4 are under 24-mos	Yes-if under age 13
<b>Georgia*</b>	3-6	6 (see footnotes for combinations)	No	3 under 1-yr	7-18	6:1 for under 1 yr and under 18-mos. and not walking; 8:1 for 1 yr olds that walk; 10:1 for 2-yrs; 15:1 for 3-yrs; 18:1 for 4-yrs +. Mixed age: ratio determined by age of youngest child under 3; ratio in groups with children over 3 yrs of age determined by age of majority of children	NA
<b>Hawaii</b>	3-6	6	Yes-if under age 6	2 under 18-mos	7-12	4:1 for 6 wks-1-yr, max group size: 8; 5:1 for 1-2-yrs, group size of 10 or 4:1 with group size of 12; 6:1 for 18-mos-3-yrs, max group size: 12; 8:1 for 2-3-yrs; 12:1 for 3- 5+-yrs	NA
<b>Idaho</b>	NL	NL	NL	NL	NL	NL	NL
<b>Illinois*</b>	4-12 (up to 8 preschool and 4 SAC)	8	Yes	3 under 2-yrs if no more than 5 are under 5-yrs	4-16	8:1 12:1 if school-age (see footnotes for combinations)	Yes-if under age 12
<b>Indiana*</b>	NL	NL	NL	NL	6-12 (Plus 3 SAC during vacations)	see footnotes for ratios	Yes-if under age 8

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State	Small Family Child Care Homes (One Provider)				Large Family Child Care Homes (Two or More Providers)		
	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
<b>Iowa*</b>	NL	NL	NL	NL	7-11	6:1; no more than 4 under 2-yrs	Yes
<b>Kansas*</b>	1-6 (must be registered)	6	Yes-if under age 12	3 under 18-mos	7-12; plus 4 school-age	see footnotes for combinations	NA
	7-10 (6 preschool and 4 school age)	see footnotes	Yes-if under age 11	3 under 18-mos			
<b>Kentucky</b>	4-6	Up to 10, only 6 unrelated children	Yes	4 under 1-yr.	7-12	5:1 for Under age 1-yr; 6:1 for 1-2-yrs; 10:1 for 2-3-yrs; 12:1 for 3-4-yrs; 14:1 for 4-5-yrs; 15:1 for 5-7-yrs	NA
<b>Louisiana</b>	NL	NL	NL	NL	NL	NL	NL
<b>Maine</b>	3-12 (up to 8 preschool and 2 SAC, unless all school-age)	4 under 30-mos; 8 over 2.5-yrs plus 2 school-age; 6 with no more than 3 under 2.5-yrs plus 2 school-age; 12 school-age	No	4 under 30-mos	NC	NC	NC
<b>Maryland</b>	1-8	8	Yes-if under age 6	2 under 2-yrs	NC	NC	NC
<b>Massachusetts</b>	1-6 (plus 2 SAC)	6; 8 if 2 SAC	Yes-if under age 10 and present more than 3 hrs.	3 under 2-yrs if at least one of the three is 15-mos. and can walk unassisted	7-10	6:1 with no more than 6 under 2-yrs and no more than 3 infants	Yes-if under age 10 and present more than 3 hrs.
<b>Michigan</b>	1-6	6	Yes-if under age 7	2 under 18-mos; 4 under 30-mos	7-12	6:1	Yes-if under age 7
<b>Minnesota</b>	1-10 (up to 6 preschool and 4 SAC)	10 if 6 under kindergarten age with no more than 3 under 24-mos with only 2 of these being under 1-yr	Yes-if under age 11	3 under 24-mos of these no more than 2 under 1-yr unless have a specific license	up to 14	10:1 if 8 under kindergarten, no more than 3 under 24-mos, no more than 2 under 1-yr; 12:1 if 10 under kindergarten, no more than 2 under 24-mos, no more than 1 under 1-yr	Yes-if under age 11

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Mississippi	NL	NL	NL	NL	6-15 (max. 12 not related)	5:1 for 0-11-mos, max group size 10; 9:1 for 1-yr, max group size 10; 12:1 for 2-yrs, max group size 14; 14:1 for 3-yrs, max group size 14; 16:1 for 4-12-yrs, max group size 12	No
Missouri*	5-10	10 if 2 under 2-yrs; 6 if 3 under 2-yrs; 4 if all under 2-yrs	No	See ratio	11-20	4:1 for 0-2-yrs, max group size 8; 8:1 for 2-yrs, max group size 16; 10:1 for 3-4-yrs, no max group size; 16:1 for 5+-yrs. Mixed ages over 2-yrs: 10:1, with max of 4 two yr olds; 8:1 with more than 4 two yr olds	No
Montana	3-6	6	Yes-if under age 6	3 under 2-yrs	7-12	12:2 with max 6 under 2-yrs	Yes-if under age 6
Nebraska*	4-8 (plus 2 SAC)	10 if 2 SAC during non school hours	Yes-if under age 8	3 under 18-mos with no more than two per adult under 1-yr	up to 12	10:1 if no young preschoolers; 12:1 if all SAC	Yes-if under age 8
Nevada	5-6 (plus 3 SAC)	9 if 3 SAC (including provider's own children if under age 10)	No	4 under 2-yrs, with no more than 2 under 1-yr.	7-12-if 3 SAC (including provider's own children if under age 10)	6:1	No

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	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
<b>New Hampshire</b>	4-6 (plus 3 SAC)	6 preschool-age and 3 SAC, with no more than 4 under 3-yrs, and no more than 2 under 24-mos; 5 preschool-age and 3 SAC, with no more than 4 under 3-yrs, and no more than 2 under 2-yrs; 4 under 3-yrs	Yes-if under age 10	Maximum is 4 under age 3 of which no more than 2 are under 24-mos.	7-12 (plus 5 school-age)	17:2 (includes 5 school-age) with no more than 4 under age 3	Yes-if under age 10
<b>New Jersey</b>	NL	NL	NL	NL	NL	NL	NL
<b>New Mexico</b>	5-6	6	Yes-if under age 5	2 under 2-yrs	7-12	6:1; no more than 4 under 2-yrs	Yes-if under age 5
<b>New York</b>	3-6 (plus 2 part-time SAC during the school year)	6 if none are under 2-yrs; 5 if one is under 2-yrs	Yes-if not yet enrolled in kindergarten or higher grade	2 under 2-yrs	7-12; or up to 10 if any child is under 2-yrs (plus 2 SAC)	6:1; there are no ratio requirements, but the state limits the numbers of younger children in a group to 4 under 2-yrs	Yes-if not yet enrolled in kindergarten or higher grade
<b>North Carolina</b>	3-5 (plus 3 SAC)	8; no more than 5 may be pre-school age	Yes-if under school age	NA	6-12; or up to 15 if all SAC	5:1 for 0-12-mos + 3 SAC; 6:1 for 12-24-mos + 2 SAC; 10:1 for 2-13 yrs; 12:1 for 3-13 yrs; 15:1 for all SAC	Yes-if under school age
<b>North Dakota</b>	5-7 (plus 2 SAC-2 hrs. before and after school, and school vac.)	9 if two limited SAC 4 if all under age 2	Yes-if under age 12	3 under 2-yrs if exceeds 4 children	8-18	4:1 for under 2-yrs; 5:1 for 2-3-yrs; 7:1 for 3-4-yrs; 10:1 for 4-5-yrs; 12:1 for 5-6-yrs; 18:1 for 6-12-yrs	NA
<b>Ohio</b>	NL	NL	NL	NL	7-12 (or 4-12, if 4 or more are under 2-yrs)	6:1; or 4:1 if 4 or more under 18-mos	Yes-if under age 6

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State	Small Family Child Care Homes (One Provider)				Large Family Child Care Homes (Two or More Providers)		
	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
Oklahoma*	1-7	7 (see footnote)	Yes-if under age 5	See footnote	8-12	5:1 for any age; 6:1 with no more than 3 under 2-yrs; 7:1 with no more than 2 under 2-yrs; 7:1 if all 2-yrs; 8:1 if all 3-yrs+; 10:1 if all 4-yrs+; 12:1 if all 5-yrs+ 12:1	Yes-if under age 5
Oregon	4-10 (6 preschool and 4 SAC); waivers avail.	10	Yes-if under age 13	2 under 2-yrs; waivers avail.	7-10; or up to 12 if all are 5-yrs or older	10:1 for 30-mos to 12-yrs; 6:1 if 1 or 2 under 30-mos; 4:1 if 3 or 4 under 30--mos	Yes-if under age 13
Pennsylvania*	4-6	6	Yes-if infant/toddler	5 toddlers if no infants; 4 toddlers if 1 infant; 3 toddlers if 2 infants	7-12 (unrelated); 15 if all SAC	based on combinations of age groups of children	Yes
Rhode Island	4-8	6 under 6-yrs with no child under 18-mos; 4 under 6-yrs if any child is under 18-mos	Yes-if under age 6 and if no more than 2 children under 12-yrs & present for more than 3-hrs during care	2 under 18-mos	9-12	4:1 for under 2-yrs; 6:1 for 2+-yrs	Yes-if under age 6; and if no more than 2 children under 12-yrs & present for more than 3-hrs during care
South Carolina*	2-6	6	Yes-if under age 12	NA	7-12	8:1 with no more than 3 under 2-yrs	Yes-if under age 10
South Dakota	NL	NL	NL	NL	13-20 (plus 3 SAC before & after school if younger sib & ratios met.)	5:1 for 0-3-yrs; 10:1 for 3-6-yrs; 15:1 for 6-yrs+	Yes-if preschool age
Tennessee	5-7	7	Yes-if under age 9	4 under 2-yrs	8-12 (plus 3 SAC)	one provider may care for 12:1 for 3+-yrs; 15:1 for 3+-yrs, with at least 4 SAC	Yes-if under age 9

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	Number of Children Allowed	Maximum Number of Children to One Provider	Provider's Own Children Counted	Maximum Number of Infants and Toddlers Allowed to One Provider	Total Number of Children Allowed	Ratio of Children to One Provider	Provider's Own Children Counted
Texas*	1-3 (must be listed)	3	Must be listed if care for 1-3 unrelated children	NA			
	4-6 (plus 6 SAC)	Maximum 12-Based on combinations of age groups of children	Yes	maximum is 4 under 17-mos (number allowed depends on mixed ages of children)	7-12	based on combinations of age groups of children	Yes, if under age 14
Utah	5-8	8 if 2 under age 2 6 if 3 under age 2	Yes-under age 4	3 under 2-yrs	9-16	9:1 if 3 under age 2; 12:1 for SAC	Yes-if under age 12
Vermont*	3-12	3	Yes-if preschool age or younger or if homebound	2 under 2-yrs	NC	NC	NC
Virginia*	NL	NL	NL	NL	6-12	based on age groups of children and a point system	Yes-if under age 8
Washington*	1-12	see chart in footnotes	Yes-if under age 12 (only when present)	6 with max of 2 under 2-yrs. see chart in footnotes	NC	NC	NC
West Virginia	4-6	6	Yes	2 under 24-mos.	7-12	6:1; second provider also needed if more than 2 infants	Yes-if under age 6
Wisconsin*	4-8	8 (including SAC) See chart	Yes-if under age 7	maximum is 4 ( number allowed depends on mixed ages of children)	NC	NC	NC
Wyoming	3-6 (plus 2 SAC attending no more than 3-hrs per day)	6	Yes-if preschool	2 under 2-yrs	7-11 (plus 3 SAC attending no more than 3-hrs per day)	6:1 (if more than 2 infants)	Yes-if preschool

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## DEFINITIONS:

The Institute defines a **small family child care home** as one provider caring for one or more unrelated children in a home other than the child's home.

The Institute defines a **large family child care home** as two or more providers (or one provider and one or more adult assistants) caring for one or more unrelated children in a home, other than the child's home, with a provider-to-child ratio determined by the ages of the children who are present. Large homes are called *group child care homes* in some states.

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### \*NOTES ON STATES:

**California, Colorado, Florida, Oregon, and South Carolina** exclude child care that is provided for the children of only one family. **Vermont** exempts family child care that is provided for the children on one or two families, unless it receives public funds.

**Alaska:** In a small home, there must be no more than three children under the age of 30 months; no more than two of these children may be non-ambulatory. A child care group home requires only one provider if the provider has completed one year of licensed home child care or the equivalent or meets the college credit or CDA requirements and there are no more than a total of ten children, with no children under the age of 30 months; or no more than a total of 12 children who are all school aged. FCC regulations governing group size and ratio differ slightly between the state and the city of Anchorage.

**California:** For a small family child care home, the maximum number of children for whom care shall be provided, including children under age 10 who live in the licensee's home, shall be one of the following:

1. Four infants; or
  2. Six children, no more than three of whom may be infants; or
  3. Eight children if at least two of the children are at least six years of age; no more than two infants are cared for during any time when more than six children are cared for; and the licensee notifies each parent that there may be up to seven or eight children in the home at one time.
- Large homes are those caring for 7 to 14 children, including the provider's own children under 10 years old. If none of the children are 6 years old or older, the home is limited to 12 children. During the time when there are more than 12 children in the home, no more than three infants may be present.

**Colorado Infant/Toddler Home:** The caregiver may have no more than 1 child or 1 foster child between 3 and 6 years of age.

#### **Colorado Experienced Provider Home:**

	<b>No. Birth to SAC</b>	<b>No. Under 2-yrs</b>	<b>Of Under 2- yrs, No. Under 18-mos</b>	<b>No. of additional SAC</b>
Option 1	5	4	2	2
Option 2	6	3	2	3
Option 3	8	2	2	0

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	No. Birth to SAC	No. Under 2-yrs	Of Under 2-yrs, No. Under 18-mos	No. of additional SAC
Option 4	7	2	2	2

**Delaware:** There are two levels of small family child care homes. A Level II provider has more extensive qualifications, as demonstrated by education, credentials, or experience specified in the rules, and is permitted to enroll more children. In Level I homes, the provider must meet the qualifications for initial licensure. The following table is an example of the differences that are permitted when the provider is more qualified:

	Lic. No.	No. under 2	No. under 1	Additional SAC	Total
Level I	4	3	2	2	4+2=6
Level II	6	4	2	2	6+2=8

Type I large family child care homes may care for 7-12 children. A Type 2 large family child care home is also called an “infant/toddler” home. We report data for Level I small family child care homes and Type I large family child care homes.

**Georgia:** A family child care provider must have an assistant whenever there are: more than 3 children under 1 yr, more than 6 children under 3 yrs, or more than 8 children under 5 yrs. A group home provider must employ a second provider whenever there are more than 12 children, whenever there are more than 3 children under 1 yr, more than 6 under 3 yrs, or whenever there are more than 8 children under 5 yrs.

**Illinois:** A provider alone may care for a pre-school group consisting of: up to 8 children under 12 yrs, of which up to 6 children may be under 5 yrs, of which no child may be under 3 yrs. In a group child care home, the provider may care for 16 children: no more than 12 can be under 6 yrs and no more than 6 can be under 30-mos and no more than 4 can be under 15-mos.

**Indiana:** The following child:staff ratios apply:

Infant/toddler mixed-age group (birth-24 months)	6:1*
Mixed-age group (birth-6 years)	10:1**
3 years and older (3-10 years)	12:1

\* Two of the six children must be at least 16 months and walking. Otherwise the ratio is 4:1.

\*\* No more than three of the ten children may be under 16 months of age, and must be walking.

**Iowa:** No more than six children under school-age, and no more than four children under the age of 2, may be enrolled. Additional SAC, up to 15 in all, may be enrolled if limited to periods no longer than 2 hours during inclement weather when school is cancelled.

**Kansas:** Kansas regulates two types of small homes. Homes with 1-6 children must be registered and can be licensed voluntarily. Homes with 7-10 children must be licensed.

In a licensed small family child care home (7-10 children),  
one provider may care for:

In a licensed large family child care home (7-12) children,  
The maximum no. of children is as follows:

License Capacity, One Adult

Max no. under 18-mos.	Max no. 18 -mos. to kindergarten age	Kindergarten age to 11 yrs.	Total Max		Age of Children Enrolled	License Capacity
0	7	3	10		2 ½ yrs. to 11 years	9
1	5	4	10		3 yrs. to 11 years	10
2	4	3	9		Kindergarten age to 11 yrs	12
3	3	2	8			

Large Home License Capacity, Two Adults

Maximum No. Under 18-mos.	Maximum No. 18-mos. to Kindergarten-age	Kindergarten-age to Age 11	License Capacity		Maximum No. Under 18-mos.	Maximum No. 18-mos. to 2.5 yrs	License Capacity
0	7	3	10		0	5	12
1	5	4	10				
2	4	3	9				
3	3	2	8				

**Missouri:** Groups composed of mixed ages of children 2 yrs and older shall have 10:1 ratio with a maximum of 4 2-yr-olds. When there are more than 4 2-yr-olds , the staff:child ratio shall be no less than 8:1.

**Nebraska:** The number of providers required and the maximum size of the group depends on the ages of children enrolled. The following table summarizes the requirements.

	Ages and No. of Children	Family Child Care Homes I No. Of Providers	Family Child Care Homes II No. Of Providers
<i>Infants Only</i>	4	1	1
	5-8	2	2
	9-12	n/a	3

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	<b>Ages and No. of Children</b>	<b>Family Child Care Homes I No. Of Providers</b>	<b>Family Child Care Homes II No. Of Providers</b>
<i>Mixed Ages</i>	8	1	1
	9-10	1	1
	9-12	n/a	2
<i>School-Age</i>	9-10	1	1
	11-12	n/a	1

### **Oklahoma:**

One provider alone can care for 7 children only in the following combinations of ages:

When 7 children are enrolled, and more than 2 of them are younger than 2-ysr, then a second provider whom is 18-ysr old or older is required.

Two providers can care for 7 children only in the following combinations of ages:

<b>Under 2 Yrs</b>	<b>2 Yrs and Older</b>		<b>Under 2 Yrs</b>	<b>2 Yrs and Older</b>
0	7		3	4
1	6		4	3
2	5		5	2
3	3		6	1
4	1		7	0
5	0			

### **Pennsylvania:**

Group size and ratios in group child care homes:

Groups of children of mixed ages:

<b>Age</b>	<b>Maximum group size</b>	<b>Child:staff ratio</b>		<b>Age</b>	<b>Maximum group size</b>	<b>Child:staff ratio</b>
birth-12-mos.	12	4:1		birth-36-mos.	12	4:1
13-24-mos.	12	5:1		13 –36-mos.	12	5:1
25-36-mos.	12	6:1		25-mos-6 yrs	12	6:1
37-mos-6 yrs	12	10:1		37-mos-15 yrs	12	10:1
6-8 yrs	12	12:1				
9-15 yrs	15	15:1				

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**Texas:** Texas requires family child care homes that care for 1-3 children to be listed with the state. No inspections are conducted and there are no standards to meet. Homes caring for 4-6 (plus 6 SAC) children are required to be registered and meet state requirements.

Small Family Child Care combinations:

Large Family Child Care combinations:

Infants 1-17-mos	Preschool 18-mos-4 yrs	SAC 5-13 yrs	Maximum		Infants 1-17-mos	Preschool 18-mos-4 yrs	SAC 5-13 yrs
0	6	6	12		0	0	12
0	5	7	12		0	6	6
0	4	8	12		1	5	4
0	3	9	12		2	4	2
0	2	10	12		3	2	2
0	1	11	12		4	2	2
0	0	12	12				
1	5	4	10				
1	4	5	10				
1	3	6	10				
1	2	7	10				
1	1	8	10				
1	0	9	10				
2	4	2	8				
2	3	3	8				
2	2	4	8				
2	1	5	8				
2	0	6	8				
3	3	1	7				
3	2	2	7				
3	1	3	7				
3	0	4	7				
4	2	0	6				
4	1	1	6				
4	0	2	6				

**Vermont:** A second staff person must be present when the number of children receiving child care exceeds 6; and there are no more than two children under 24 months of age per staff person or, when children only under age 3 are enrolled. There must be at least one staff present when 3 or fewer children are in care; and there are at least two staff persons present and on duty when 4-7 children are in care; and there are at least three staff persons present and on duty when 8 or more children are in care.

**Virginia:**

In determining the need for an assistant, the following fixed adult to child ratios shall be maintained for children receiving care. This includes the provider's own and resident children under eight years of age:

Age of child	Ratio		Age of child	Points
Birth-15-mos.	4:1		Birth-15-mos.	4
16-23-mos.	5:1		16-23-mos.	3
2-4 years	8:1		2-4 years	2
5-9 years	16:1		5-9 years	1
10 years and up	not counted		10 years and up	0

For mixed age groups, the state has devised a weighted point system based on children's ages. Although there are exceptions when the maximums can be exceeded, providers must generally limit enrollment to 16 points, based on the following:

**Washington:** The department may license a family child care home according to the following table:

Number of Providers Required	Age Range in Years	Max. No. of Children Under 2	Max No. of Children
A. Licensee	Birth-11	2	6
B. Licensee with one year experience	2-11	None	8
C. Licensee with one year experience	5-11	None	10
D. Licensee with one year experience plus assistant	Birth-11	4	9
E. Licensee with two years' experience and one early childhood education (ECE) class	3-11	None	10
F. Licensee with two years' experience and one ECE class plus assistant	Birth-11	4	12

**Wisconsin:**

Maximum number of children per provider:

Under 2-yrs	2-yrs and older	Max No. of Additional Children in First Grade or Above, in Care for Fewer Than 3 Hours a day	Max No. Per Provider
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

Data compiled by Wheelock College Institute for Leadership and Career Initiatives  
 from licensing regulations posted on the National Center for Health and Safety in Child Care's web site: [www.nrc.uchsc.edu](http://www.nrc.uchsc.edu).  
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